



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

Barbara Nam

Apr 13 2005

The Honorable Rick Perry
Governor of Texas
P.O. Box 12428
Austin, TX 78711

Dear Governor Perry:

Thank you for your March 1, 2005, letter concerning the Gulfco Marine Maintenance Superfund Site in Freeport, Texas. You asked that the U.S. Environmental Protection Agency (EPA) allow the site to be cleaned up under the Texas Voluntary Cleanup Program so it can be deleted quickly from the National Priorities List of Superfund sites.

I share your desire to see the site cleaned up quickly and returned to productive use in the community. Toward that end, we are working with the potentially responsible parties and the Texas Commission on Environmental Quality to resolve several issues so the cleanup can proceed using appropriate State authority.

We believe a Federal cleanup via an Administrative Order on Consent is the most expeditious way to address this site. At meetings with the potentially responsible parties on March 7 and April 1, 2005, I requested an outline of an investigation and cleanup that would take into account EPA's oversight role, public participation, and assurance that all appropriate response actions are completed, as well as a cleanup that is consistent with other National Priorities List actions. We would like to see this matter resolved as soon as possible and anticipate a timely reply from the potentially responsible parties.

I have enclosed a fact sheet with additional information on this matter. If I may be of further assistance, please contact me at (214) 665-2100.

Sincerely yours,

Richard E. Greene
Regional Administrator

Enclosure



677290

The Honorable Rick Perry
Governor of Texas
P.O. Box 12428
Austin, TX 78711

APR 13 2005

Dear Governor Perry:

Thank you for your March 1, 2005, letter concerning the Gulfco Marine Maintenance Superfund Site in Freeport, Texas. You asked that the U.S. Environmental Protection Agency (EPA) allow the site to be cleaned up under the Texas Voluntary Cleanup Program so it can be deleted quickly from the National Priorities List of Superfund sites.

I share your desire to see the site cleaned up quickly and returned to productive use in the community. However, as we have discussed with the potentially responsible parties, the Voluntary Cleanup Program was negotiated on the premise that this program would not be used for National Priorities List sites. Assessing whether or not the Texas Voluntary Cleanup Program could be used at National Priorities List sites would be a difficult and lengthy process that could further delay the Gulfco site cleanup. We believe a federal cleanup via an Administrative Order on Consent is the most expeditious way to address this site.

At the meeting with the potentially responsible parties on March 7, 2005, I requested an outline of an investigation and cleanup that would take into account EPA's oversight role, public participation, and assurance that all appropriate response actions are completed, as well as a cleanup that is consistent with other National Priorities List actions. We would like to see this matter resolved as soon as possible and anticipate a timely reply from the potentially responsible parties.

✓ correction made

I have enclosed a fact sheet with additional information on this issue. If I may be of further assistance, please contact me at (214) 665-2100.

Sincerely yours,

/s/ Lynda Carroll

Richard E. Greene
Regional Administrator

Enclosure

bcc: Barbara Nan

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Revised:6XA:SSevier:x8019:3/29/05:4/4/05

Lynda Carroll 4/4/05

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FACT SHEET
GULFCO MARINE MAINTENANCE SITE - CLEANUP
VIA THE VOLUNTARY CLEANUP PROGRAM
March 18, 2005

- The U.S. Environmental Protection Agency (EPA) and the potentially responsible parties have been exploring ways in which to meet the goal to quickly clean up the Gulfco Marine Maintenance Superfund site in order to delete it from the National Priorities List. EPA initially proposed that the Gulfco site be investigated in a Remedial Investigation and Feasibility Study and be cleaned up under a Remedial Action. The potentially responsible parties (Dow, Sequa, and LDL Coastal) committed to do the Remedial Investigation and Feasibility Study in an Administrative Order on Consent.
- EPA and the potentially responsible parties worked diligently for seven months to reach an Administrative Order on Consent to conduct the Remedial Investigation and Feasibility Study portion of the cleanup. As the negotiations were wrapping up, the potentially responsible parties, in a February 23, 2005 letter, proposed exploring a two-year cleanup of the Gulfco site under the Voluntary Cleanup Program in order to meet our mutual goal of a quick cleanup.
- EPA fully supports the Texas Voluntary Cleanup Program and believes that this program is an excellent approach under appropriate circumstances. EPA's Memorandum of Understanding with the Texas Commission on Environmental Quality on the Texas Voluntary Cleanup Program was negotiated on the premise of not using this program to clean up National Priorities List sites. An assessment of the appropriate nature of the Voluntary Cleanup Program for use at National Priorities List sites has not been completed, but such an assessment is currently under consideration. However, it will take considerable time to carefully evaluate the possibility of adopting a new policy regarding National Priorities List sites and the Voluntary Cleanup Program.
- Assessing the appropriate nature of the Texas Voluntary Cleanup Program for use at National Priorities List sites is a lengthy process. This, combined with the lack of detail in the potentially responsible parties' proposal about how a cleanup under the Voluntary Cleanup Program would provide information sufficient to delete the Gulfco site from the National Priorities List, caused EPA to notify the potentially responsible parties in a February 28, 2005, letter via e-mail that EPA was willing to explore cleanup under appropriate State laws, but through an Administrative Order on Consent with EPA so that the requirements for deletion from the National Priorities List could be met. In order to begin exploring this idea, EPA invited the potentially responsible parties to commit to an Administrative Order on Consent process which would outline the investigation and cleanup of the Gulfco site in a manner which will allow EPA to delete the Gulfco site from the National Priorities List.

- However, EPA was disappointed to learn in a March 4, 2005, letter, that the potentially responsible parties are declining to explore the Administrative Order on Consent option to clean up the Gulfco site under Federal and appropriate State law. An Administrative Order on Consent between EPA and the potentially responsible parties would assure that adequate information is collected to facilitate deletion, as well as to complete the appropriate response actions. EPA is flexible as to the content of an order and scope of work assuming the cleanup is completed under Federal and appropriate State law.
- On March 7, 2005, EPA staff met with the potentially responsible parties in EPA's Region 6 Office to discuss resolution of the impasse on the mechanism to most quickly clean up the Gulfco site. At the meeting, EPA reiterated some of the timing problems regarding the Voluntary Cleanup Program approach. EPA was pleased that the potentially responsible parties understood the inability of meeting our mutual goal of timely cleanup under the Voluntary Cleanup Program process and agreed orally to explore the Administrative Order on Consent option with EPA. EPA requested that the potentially responsible parties provide an outline of an investigation and cleanup that would take into account EPA's oversight role, public participation, and assurance that all appropriate response actions are completed. The outline would also have to be consistent with other National Priorities List actions. EPA would like to see this issue resolved soon. Additional discussions to resolve this matter should be completed as quickly as possible.
- In order to meet our mutual goal of quickly cleaning up the Gulfco site in order to delete the site from the National Priorities List, the potentially responsible parties can still sign the Remedial Investigation and Feasibility Study Administrative Order on Consent allowing the investigation to be completed in less than six months time and the entire cleanup within eighteen months. This approach would result in the work being completed more quickly than amending the Voluntary Cleanup Program or drafting a new Administrative Order on Consent that incorporates appropriate State law. That being said, EPA is open to looking at alternative methods to clean up the Gulfco site more quickly than the options EPA and the potentially responsible parties have explored.
- EPA is looking to resolve cleanup of the Gulfco site soon. EPA eagerly awaits the potentially responsible parties' alternative proposal in order to quickly wrap up discussions and begin cleaning up the site. Given the amount of time EPA has discussed cleanup of the site with the potentially responsible parties, EPA believes it is reasonable to expect a proposal in the next few weeks so that we can discuss this matter in early April.



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

March 1, 2005

The Honorable Richard E. Greene
Regional Administrator, Region 6
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: Gulfco Marine Maintenance Site in Freeport, Brazoria County, Texas

Dear Mayor Greene:

In December 2001, I referred the Gulfco Marine Maintenance Site in Freeport, Texas, to EPA for listing on the National Priorities List ("NPL"). It has come to my attention that, due to unusual circumstances, the present owner of this site was not afforded adequate notice of the imminent NPL listing nor was the present owner afforded a sufficient opportunity to address the site through the Texas Commission on Environmental Quality's (TCEQ) Voluntary Cleanup Program ("VCP").

This property has significant potential for redevelopment, and the interested parties are committed to cleaning up the site immediately. Remediation through the VCP will allow faster cleanup by parties and, importantly, will afford liability protection to a future buyer when a VCP certificate of completion is obtained. The environmental, economic, and social benefits to the local area all weigh in favor of this approach.

In light of these circumstances, I respectfully request your concurrence to allow this site to be addressed pursuant to TCEQ's VCP. I am convinced this is the best course of action for this site, and TCEQ is amenable to this proposal. I further request that Region 6 work cooperatively with TCEQ to facilitate the site's entry into the VCP and subsequent referral to EPA for delisting from the NPL once the site's remediation is completed and no further action is required.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry". Below the signature, the words "Rick Perry" and "Governor" are printed in a small, sans-serif font.

Rick Perry
Governor

RP:zcp

cc: Ms. Kathleen Hartnett White, Chairwoman, Texas Commission on Environmental Quality
Mr. Glenn Shankle, Executive Director, Texas Commission on Environmental Quality